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Attorneys for Defendant
 ALIANT INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EXIGEN, LTD., a Bermuda corporation.,

Plaintiff,

vs.

ALIANT TELECOM INC., a Canadian
 corporation; ALIANT INC., a Canadian
 corporation; DOES 1-100, inclusive,

Defendants.

Case No.: C 04-1203 TEH (ARB)

STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE THE OCTOBER
31, 2005 CASE MANAGEMENT
CONFERENCE AND HEARING ON
ALIANT INC.'S MOTION TO DISMISS

Courtroom: 12
 Hon. Thelton E. Henderson

WHEREAS, the principal decision makers of defendant Aliant Inc. and plaintiff Exigen,
 Ltd. are currently engaged in substantive settlement discussions;

WHEREAS, the parties have a good faith belief that the parties may reach a settlement;
 and

STIPULATION TO CONTINUE CASE MANAGEMENT
CONFERENCE AND HEARING ON MOTION TO DISMISS
CASE NO. C 04-1203 THE (ARB)

1 WHEREAS, the parties believe that postponing briefly the October 31, 2005 Case
2 Management Conference and hearing on Aliant's Motion to Dismiss Based on Forum Non
3 Conveniens will be conducive to the settlement process;

4 NOW, THEREFORE, the parties - by and through their respective counsel of record -
5 agree to and respectfully request that the Court continue the Case Management Conference and
6 hearing on Aliant's Motion to Dismiss to November 28, 2005 at 10:00 a.m.

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8 Dated: October 27, 2005

O'MELVENY & MYERS LLP

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10 By Dale M. Edmondson
11 Carla J. Christofferson
12 Dale M. Edmondson S.O.W.
13 Joshua D. Baker

Attorneys for Plaintiff EXIGEN, LTD.

14
15 Dated: October 27, 2005

16 STEPTOE & JOHNSON, LLP

17
18 By: [Signature]
19 Lawrence P. Riff
20 Jay E. Smith
21 Sonia O. Williams
22 Attorneys for Defendant ALIANT INC.

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24
25 [Signature]

26 Hon. Thelton E. Henderson
27 United States District Judge

10/27/05